

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 19, 2002

DIVISION TWO

Court convened at 9:00 AM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B155225 People v. Stephens
B157092 People v. Jesus G.
B154940 People v. Josefina A.
B157073 DCFS v. Alicia I.
B155180 Gil v. Bureau of Automotive Repair
B155797 People v. Castillo
B153327 People v. Waymon M.
B155765 Corral v. Corral
B156278 People v. Sandoval
B157332 People v. Ochoa
B154436 DCFS v. Amy M.
B155839 Pedersen v. SCLA & People
B160214 Ronald I. v. SCLA & DCFS
B153929 People v. Watkins
B155119 People v. Stith
B160501 Patricia C. v. SCLA & DCFS

Argument waived, cause submitted.

B145241 Estate of Andres
 Skelly
 v.
 Gozum

Merits:

Argued by Garrett Skelly for appellant and by David Cowan for respondents. Cause submitted.

DIVISION TWO (Continued)

B148054 Seekers USA, Inc.
 v.
 Nober, et al.

Merits:
Argued by Philip Dapeer for appellant and by Mark Fingerman for respondents. Cause submitted.

B147764 Martin, et al.
 v.
 Padilla, et al.

Merits:
Argued by William Bennett for appellants and by Jane Taylor Kacer for respondents. Cause submitted.

B153993 Better Government
 v.
 City of Palos Verdes Estates, et al.

Merits:
Argued by Stanley Lamport for appellant and by June Ailin for respondents. Cause submitted.

B149156 Goubran
 v.
 State Department of Health

Merits:
Argued by Marc Karlin for appellant and by Carol Wallacker Schultz for respondent. Cause submitted.

B148053 Alba
 v.
 Finton Associates, Inc.

Merits:
Argued by James Evans for appellant and by Craig Bronstein for respondent. Cause submitted.

Court in recess.

DIVISION TWO (Continued)

Court reconvened at 12:45 PM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

B153462 People
 v.
 Drasar

Merits:

Argued by Allison Ting for appellant and by Steven Matthews for respondent. Cause submitted.

B152939 People
 v.
 Lewis

Merits:

Argued by Allison Ting for appellant and by Jim Hart for respondent. Cause submitted.

B155809 Los Angeles County, D.C.S.
 v.
 Rowena E.,
 Johnston and Terrell M.

Merits:

Argued by Richard Pfeiffer for appellant and by Jacklyn Louie and John Dodd for respondents. Cause submitted.

B150968 Mass Connections
 v.
 Johnson, et al.

Merits:

Argued by Robert Dickson for appellant and by Gary Hamblet for respondents. Cause submitted.

September 19, 2002 (Continued)

DIVISION TWO (Continued)

B149146 Eyster
 v.
 Lowenberg

Merits:
Argued by Edward Stark for appellant and by Scott Richter for respondent.
Cause submitted.

B152766 Deane, et al.
v.
20th Century Insurance Co., et al.

Merits:
Argued by Daniel Graham for appellants and by Jeffrey Malek for respondents. Cause submitted.

B153629 Rivas
v.
City of Los Angeles

Merits:
Argued by David Brown for appellant and by Janet Bogigian for respondent. Cause submitted.

Court adjourned.

DIVISION THREE

B154917 Kemp (Not for Publication)
v.
L.A. County Civil Service Commission
L.A. County Fire Department

The judgment is affirmed. Each party to bear their own costs.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B151166 People (Not for Publication)
v.
Gwin

The judgment is modified by striking the trial court's award of precommitment credit and by awarding appellant a total of 348 days precommitment credit, consisting of 232 days custody credit pursuant to Penal Code section 2900.5, subdivision (a), and 116 days conduct credit pursuant to Penal Code section 4019; as modified, the judgment is affirmed. The trial court is directed to forward a copy of an amended abstract of judgment, reflecting the above precommitment credit award, to the Department of Corrections.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B153508 Hunter (Certified for Publication)
v.
Superior Court, Los Angeles County
(County of Los Angeles et al., r.p.i.)

The judgment is reversed. Each side is to bear its own costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B145881 Wallace (Not for Publication)
B145883 v.
Reed

The restraining order issued against appellant is reversed. Each party is to bear their own costs.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

September 19, 2002 (Continued)

DIVISION FOUR (Continued)

B153095 People (Not for Publication)
v.
Karim

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B152719 People v. Hayes (Not for Publication)
B160100 In re Hayes on Habeas Corpus

The judgment of conviction is affirmed and the petition for habeas corpus is denied.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FIVE

B146899 Frederick H.R. Boettcher (Not for Publication)
v.
Javier F. Trujillo, et al.

The judgment is affirmed. Respondents shall recover their costs.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

B154322 Los Angeles County, D.C.S.
v.
Susan J.

Filed order denying petition for rehearing.

September 19, 2002 (Continued)

DIVISION FIVE (Continued)

B146877 Santa Monica Mountain Properties, LLC
v.
Arthur Simoneau

Filed order denying petition for rehearing.

DIVISION SIX

B146586 Biren (Certified for Publication)
v.
Equality Emergency Medical Group, Inc., et al.

The order denying Equality attorney's fees under section 998 is reversed and the matter remanded. In all other respects the judgment and order are affirmed. Costs on appeal to Equality.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B156225 Humane Services Agency (Not for Publication)
v.
Mary L.
In re Addison L., a minor

The orders denying mother's section 388 petition and terminating her parental rights are affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

September 19, 2002 (Continued)

DIVISION SIX (Continued)

B153146 People (Not for Publication)
v.
Gonzalez

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

[illegible]

The disposition order is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B155412 In re Erick S., (Not for Publication)
Ventura County Human Services Agency
v.
Alyce S., et al.

The judgment (order) is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

September 19, 2002 (Continued)

DIVISION SIX (Continued)

B152842 People v. Ley (Not for Publication)

The trial court shall correct its order to reflect an extension of Ley's commitment for one year. The order is otherwise affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B146793 People (Certified for Publication)
v.
Barber

The judgment is reversed and remanded for a new trial.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B151867 The People (Certified for Publication)
v.
Torch Energy Services, Inc., et al.

The judgment of the trial court is affirmed. Costs are awarded to respondents.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

September 19, 2002 (Continued)

DIVISION SIX (Continued)

B154858 People v. Taggart (Not for Publication)

The judgment and sentence are affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SEVEN

B148286 Brown (Certified for Publication)
v.
City of Los Angeles and Parks

The judgment is reversed and the cause is remanded to the trial court with directions to issue a peremptory writ of mandate compelling City to afford Brown an administrative appeal hearing conducted pursuant to a procedure which comports with the requirements of due process; pending that hearing, City is to pay Brown back pay for the period beginning 18 days after the date he requested an administrative appeal continuing up to the date he is afforded a hearing which comports with the requirements of due process. Appellant is entitled to costs on appeal.

Lillie, P.J.

We concur: Woods, J.
Perluss, J.

B152413 People
v.
Marlo A., a minor

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION EIGHT

B157433 Ruiz (Certified for Publication)

v.
Sylva
Moriel, et al.

B157803 Robles, et al.

v.
Avalos
Ruiz, et al.

The grant of the Proponents' petition for mandate is affirmed (No. B157433). The denial of the Target Officials' petition for mandate is likewise affirmed (No. B157803). The approval of the form and the wording of the Petitions are final. The Petitions are deemed to have been timely filed. The "Intermediate steps in the recall" as codified in sections 11101 et seq. shall commence immediately upon the issuance of this court's remittitur.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

B145874 People v. Lampel (Not for Publication)
B157840 In re Jonathan Lynn Lampel on Habeas Corpus

The judgment of conviction is affirmed. The petition for writ of habeas corpus is denied.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

DIVISION EIGHT (Continued)

B148123 First Bank & Trust (Not for Publication)
 v.
 Rothman,
 Florence

The judgment is affirmed as to Rothman. The judgment is reversed as to Florence and remanded for further proceedings consistent with this opinion. First Bank to recover costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

B154146 People
 v.
 Rivas

Filed order denying petition for rehearing.